

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Bruce Bernard, Director, Public Works Director/797-1240

**PREPARED BY:** Carol Knutsen, Administrative Aide/797-1243

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 10' OF SW 148 AVENUE RIGHT-OF-WAY FROM NANCY BENITEZ, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** In order to provide the public with a dedicated equestrian trail along SW 148 Avenue between SW 20 Street and SW 26 Street, the Town has used the existing right-of-way for this purpose. The Town has constructed the trail using the 15' of the eastern 25' right-of-way that had existed. The Town wishes to vacate the remaining 10' of right-of-way along this eastern corridor to the property owners directly adjacent to the new equestrian trail. This resolution will provide the mechanism to accomplish this transfer.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A  
Has request been budgeted?

If yes, amount needed:

Account name:

**RECOMMENDATION(S):** Motion to approve the resolution

**Attachment(s):** Resolution, Quit Claim Deed, Legal Description and Sketch

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 10' OF SW 148 AVENUE RIGHT-OF-WAY FROM NANCY BENITEZ, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie installed a 15' equestrian trail within the 25' right-of-way of SW 148 Avenue between SW 20 Street and SW 26 Street; and

WHEREAS, a Quit Claim Deed has been submitted to the Town for acceptance of the remaining 10' of the eastern SW 148 Avenue right-of-way; and

WHEREAS, the Town of Davie wishes to relinquish this additional 10' of right-of-way along SW 148 Avenue by accepting a Quit Claim Deed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town Council does hereby authorize the Mayor and Town Administrator to accept a Quit Claim Deed, a copy of which is attached hereto as Exhibit "A".

Section 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

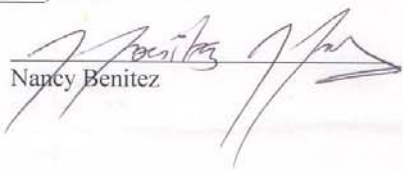
\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

**CONSENT TO TRANSFER OF PROPERTY**

I, **NANCY BENITEZ**, owner of the property located at 14721 SW 21st Street, in Davie, Florida, hereby grant my consent to the Town of Davie to transfer to my possession through a Quit Claim Deed, one certain parcel of land, "described as attached exhibit A".

Dated this 06 day of April, 2003.

  
Nancy Benitez

This instrument was prepared by:

Monroe D. Kiar, Esquire  
6191 SW 45<sup>th</sup> Street  
Suite 6151A  
Davie, Florida 33314

Return to:

Property Appraiser's  
Parcel ID No. \_\_\_\_\_

Grantee S.S. No. \_\_\_\_\_

Name

Grantee S.S. No. \_\_\_\_\_

Name

**This Quit-Claim Deed** dated this \_\_\_\_ day of \_\_\_\_\_, A.D. 2002, by TOWN OF DAVIE, a Municipal corporation, whose post office address is 6591 Orange Drive, Davie, Florida 33314, first party, to NANCY BENITEZ, a single woman, whose post office address is 14721 SW 21<sup>st</sup> Street, Davie, Florida 33325, second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**Witnesseth** That the said first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Broward, State of Florida, to wit:

SEE EXHIBIT "A"

**To Have and to Hold** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**In Witness Whereof**, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

THE TOWN OF DAVIE, a municipal corporation

\_\_\_\_\_  
Witness

BY: \_\_\_\_\_

\_\_\_\_\_  
Print/Type Name

ITS: \_\_\_\_\_

\_\_\_\_\_  
Witness

ATTEST:

\_\_\_\_\_  
Print/Type Name

\_\_\_\_\_  
\_\_\_\_\_, Town Clerk

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
MONROE D. KIAR, TOWN ATTORNEY

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2002, by \_\_\_\_\_ and \_\_\_\_\_, who is personally known to me and who did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida,  
at Large.

\_\_\_\_\_  
Print, Type, or Stamp Name

My Commission Expires:

**McLAUGHLIN ENGINEERING COMPANY**  
400 NORTHEAST 3rd AVENUE  
FORT LAUDERDALE, FLORIDA, 33301  
ENGINEERS - SURVEYORS  
(LB# 285)

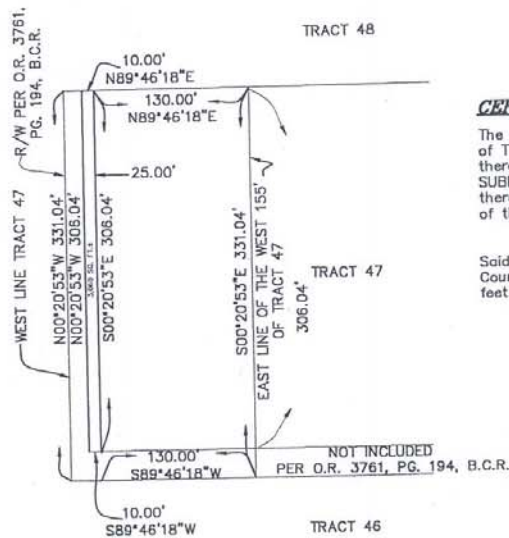
PHONE: (954) 763-7611

FAX: (954) 763-7615

Scale 1" = 100'

**Legend**  
B.C.R. - BROWARD COUNTY RECORDS  
O.R. - OFFICIAL RECORDS  
P.B. - PLAT BOOK  
PG. - PAGE

**SKETCH & DESCRIPTION**  
A PORTION OF TRACT 47, FLORIDA  
FRUIT LANDS COMPANY SUBDIVISION NO. 1  
SECTION 15, TOWNSHIP 50 SOUTH, RANGE 40 EAST  
P.B. 2, PG. 17, D.C.R.



**CERTIFICATION:**

The East 10.00 feet of the West 25.00 feet of Tract 47, Less the South 25.00 feet thereof, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17, of the public records of Dade County, Florida.

Said land situate lying and being in Broward County, Florida, and containing 3,060 square feet or 0.0703 acres more or less.

**NOTES:**

1. **THIS IS NOT A SURVEY**
2. Legal Description does not infer Title or Ownership
3. Underground Improvements, if any, not located.
4. This sketch reflects all easements and rights-of-way, as shown on above referenced record plat. The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Co.
5. Bearings shown refer to assumed datum and assumes the West line of Tract 41 as North 00°20'53" West

**CERTIFICATION:**

We hereby certify that this sketch meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 9th day of October, 2002.

**McLAUGHLIN ENGINEERING CO.**

*Jerald A. McLaughlin*  
**Jerald A. McLaughlin**  
Registered Land Surveyor No. 5269  
State of Florida

**"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"**

FIELD BOOK NO. \_\_\_\_\_  
JOB ORDER NO. T6844

DRAWN BY: JST  
CHECKED BY: CB